

today. To show you how senseless it was, I will read the headline: "The GOP uses its advice and consent power to beat HARRY REID."

Think about that, a major newspaper in this country has the audacity to say: "The GOP [Republicans] uses its advice and consent power to beat HARRY REID."

Reading the editorial, what they are talking about is that the Republicans were very smart in delaying Loretta Lynch to be confirmed. The reason she was delayed is because a very vital issue came up with the trafficking bill. It dealt with women's reproductive rights, and it took a long time to work that out. In fact, it took a long enough time to work it out until the Republicans capitulated to what we wanted.

We protected the women's right to choose. The Hyde language no longer allows, as was in the underlying legislation, the Hyde language to apply to nontaxpayer money. So for them to say they beat HARRY REID, they didn't beat HARRY REID. What they did was beat up on themselves.

To think that they beat HARRY REID, I repeat, all they did was beat up on themselves.

Later today, the Senate will do something it should have done months ago, confirm Loretta Lynch as the 83rd Attorney General of the United States.

She is as qualified a candidate as I have ever seen in this Senate, which is more than three decades—so qualified, in fact, today will mark the third time she has been confirmed by the Senate.

Twice before, Loretta Lynch was unanimously confirmed as the U.S. attorney for the Eastern District of New York. By all accounts, Loretta Lynch's confirmation this time around should have sailed through the Senate. For a while, it seemed it would. We had Senators, Republican Senators, saying what a wonderful woman she is. She is great. They were very vocal in their support. The senior Senator from Utah, the senior Senator from South Carolina, the junior Senator from Arizona—but it soon became apparent the Republican leadership pressed these people a little bit, and suddenly they weren't as interested in moving the Lynch confirmation along, even though that is what they said they should do. Her nomination has dragged on for months.

In fact, I repeat, she has waited longer to be confirmed than the first 54 Attorneys General combined, longer than Attorneys General nominated by every President from George Washington to Woodrow Wilson.

What should have been a quick confirmation would be anything but that. Instead, Ms. Lynch became the first Attorney General nominee in history to be filibustered.

The editorial from the newspaper is very insulting. They said: "Mr. REID accused Republicans of racism and sexism."

I dare—I dare anyone to find a single word that I said dealing with race or

sex. I didn't do that, but maybe that is something the Republicans hoped I would do, but I didn't do that.

There was even a hunger strike. Now, listen to this, the depth of this editorial from the Wall Street Journal:

Al Sharpton's activist group vowed a hunger strike until Ms. Lynch received a vote. (Al, please go through with it.)

I guess I was naive in thinking my Republican colleagues would treat Loretta Lynch with the dignity she and her office deserved. Perhaps my mistake was forgetting that for Republicans, this isn't about Loretta Lynch, it is about President Obama because Republicans will do everything, anything they can to make President Obama's life more difficult. They said they would do that when he was elected, and they have stuck with it.

President Obama's Cabinet officials have been treated worse than any President in history. Today's vote on Loretta Lynch marks the seventh cloture vote the Republicans have forced on a Cabinet official during the Obama administration.

Forcing cloture, that is terminating the filibuster, was something that was rare in the entire history of this country. It used to be Cabinet officials were filibustered only in the most extreme circumstances, but once Ms. Lynch is confirmed, five sitting members of the President's Cabinet will have been filibustered by Senate Republicans.

To put that in contrast, it rarely happened before, rarely. Unlike today's Senate Republicans, Democrats showed restraint in our disagreements with the President's appointments. We showed great deference to his choices for the President, and by that I am talking about the last President, George W. Bush.

Some may say that is water under the bridge. There will be those Republicans who, after confirming Loretta Lynch today, will say all's well that ends well. They are wrong.

While I am pleased she will be confirmed as Attorney General, her nomination process is proof of all that is wrong with Republican Senate leadership. Senate Republicans made Loretta Lynch's nomination linger more than 10 times longer than the average Attorney General—and you have heard what I said before about that—just to spite Barack Obama.

The viciousness with which the majority leader's party has treated the President is unconscionable and is bad for our country. Republicans have become so blinded by their nastiness that they have even made filibusters of Cabinet officials the norm around here. The first time we had a Defense Secretary filibustered, they did it. The first time for an Attorney General, they did it.

How sad that in the future we can expect delayed and filibustered nominations such as Loretta Lynch to no longer be the exception but the rule. This is so unfortunate that this is how Republicans portend to govern.

Mr. President, what is the order of the day?

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF LORETTA E. LYNCH TO BE ATTORNEY GENERAL

The PRESIDING OFFICER. The Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Loretta E. Lynch, of New York, to be Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided in the usual form.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I didn't realize the time in the quorum call would be equally divided, so I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we will be voting soon on confirmation of Ms. Lynch to be the Attorney General of the United States of America. That office is a part of the President's Cabinet, but it also is the office of the chief law officer for America. The Attorney General is the top official in our government who is required to adhere to the law, even to the point of telling the President 'no' if he gets it in his head, as Presidents sometimes do, to do something that violates the law—just as corporate lawyers sometimes do for the CEO of corporations. 'Mr. President, you can't do this. This is wrong. Don't do this.'

Some Attorneys General have been known to resign before they would carry out policies that violate the law.

We are deeply concerned in this country about the President's Executive amnesty—the unlawfulness of it, the breadth of it, and the arrogance of it to the point that it is a direct assault on congressional power and legitimacy, a direct attack on laws passed by the People's representatives; we have a big problem. Ms. Lynch has said flat-out that she supports those policies and is committed to defending them in court against any complaint about them.

I think Congress has a real role here. We do not have to confirm someone to the highest law enforcement position in America if that person is publicly committed to denigrating Congress, violating the laws of Congress, or violating even the wishes of Congress and the American people. We do not have to confirm anybody. It is a power Congress is given. The President is asserting powers he has never been given anywhere in the Constitution or by the American people, but if we don't confirm Ms. Lynch, we will be doing what we have a right to do, and what I think we should do.

I am pleased that Mr. Andrew McCarthy, who prosecuted some of the top terrorist cases in America as a former U.S. attorney or as an assistant U.S. attorney, is very critical and is very strongly of the belief that Ms. Lynch should not be confirmed. He says this:

A vote against Ms. Lynch's confirmation is not an assessment that she has performed incompetently or unethically in her prior government positions. It is a vote against the President's blatantly unconstitutional policy and against Ms. Lynch's support of that policy. Senators are bound by oath to uphold the Constitution; Ms. Lynch's prior, laudable record as a federal prosecutor cannot overcome her commitment to violating the Constitution.

We have a right to assert that. We are paid to make decisions about that. I think that Mr. McCarthy is correct. Congress was given certain powers as a coequal branch of government, not only to protect the Congress as an institution but to restrain other government branches from overreaching. One of those powers is the Senate's power to confirm or not confirm, and this check on Executive powers can be used as Congress sees fit. But it should not be abused, just as the President should not use his nominees to abuse the Constitution or to advance an unlawful agenda. The Attorney General is the top law enforcement officer in the country. This is not traditionally a political position. It is a law position. Anyone who occupies the office must serve the American people under the laws and the Constitution of the United States. They are not above the law.

The Supreme Court has clearly held that the President is subjected to the laws. It has always been the case and always has been a part of the law of the land. The Senate must never confirm an individual to an office such as this who will support and advance a scheme that violates our Constitution and eviscerates established law and Con-

gressional authority. No person who would do that should be confirmed. We do not need to be apologetic about it.

Ms. Lynch has announced that she supports and, if confirmed, would advance the President's unlawful Executive amnesty scheme—a scheme that would provide work permits, trillions in Social Security and Medicare benefits, tax credits of up to \$35,000 a year—according to the Congressional Research Service—and even the possibility of chain migration and citizenship to those who have entered our country illegally or overstayed their lawful period of admission. The President has done this even though Congress has repeatedly rejected legislation he supports that would allow this scheme to be implemented. He asked for it, Congress considered it, and Congress said 'no.'

President Obama's unlawful and unconstitutional Executive action nullifies current immigration law to a degree most people have not fully grasped. The Immigration and Nationality Act is the law of the land, and his actions replace it with the very measures Congress refused to adopt. Even King George III didn't have the power to legislate without Parliament.

During her confirmation hearing in the Judiciary Committee, I asked Ms. Lynch plainly whether she supported the President's unilateral decision to make his own immigration laws.

Here is the relevant portion of the transcript:

Mr. SESSIONS: I have to have a clear answer to this question—Ms. Lynch, do you believe the executive action announced by President Obama on November 20 is legal and Constitutional? Yes or no?

Ms. Lynch: As I've read the opinion,—

That is, the opinion of the Department of Justice, which would be under her supervision—

I do believe it is, Senator.

Of course, the lawful duty of the Attorney General is to enforce the law that exists, not one that she or the President wish existed. One of the most stunning elements of the President's scheme is the grant of work permits to up to 5 million illegal immigrants—taking jobs directly from citizens and legal immigrants in our country at a time of high unemployment and low wages.

Peter Kirsanow, Commissioner on the U.S. Commission on Civil Rights, has written at length about how this undermines the rights of U.S. workers, especially African-American workers, and other minorities suffering from high unemployment. He says: Those citizens who are suffering from high unemployment and low wages have their rights undermined when the President ignores plain law that protects them from an excessive surge of illegal workers.

So at her confirmation hearing, I asked Ms. Lynch about what she might do to protect the rights of U.S. workers. By the way, Attorney General Holder, our current Attorney General,

astoundingly, in comments he made some months ago, declared that there is a civil right to citizenship in America for people who enter the country unlawfully. How can this possibly be, that the Attorney General can get so removed from his responsibility to enforce the law that he says that if someone comes into the country unlawfully, they have a civil right to citizenship?

That was part of the reason I asked her this question:

Mr. SESSIONS: Who has more right to a job in this country? A lawful immigrant who's here or a citizen—or a person who entered the country unlawfully?

Ms. Lynch: I believe that the right and the obligation to work is one that's shared by everyone in this country regardless of how they came here. And certainly, if someone is here, regardless of status, I would prefer that they would be participating in the workplace than not participating in the workplace.

So this individual would be the chief law enforcement of our country, and I believe that is a fundamentally flawed statement and comment. It is unprecedented for someone who is seeking the highest law enforcement office in America to declare that someone in the country illegally has a right to a job when the law says if you are here illegally, you cannot work.

This Nation is—as George Washington University law Professor Jonathan Turley, who has testified a number of times here, often called by a number of our Democratic colleagues, put it—at “a constitutional tipping point.” Professor Turley, who is a nationally recognized constitutional scholar and self-described supporter of President Obama, testified before the House of Representatives in February 2014, nine months before the President announced his unprecedented executive action, and said:

The current passivity of Congress represents a crisis of faith for members willing to see a president assume legislative powers in exchange for insular policy gains. The short-term, insular victories achieved by this President will come at a prohibitive cost if the current imbalance is not corrected. Constitutional authority is easy to lose in the transient shift of politics. It is far more difficult to regain. If a passion for the Constitution does not motivate members, perhaps a sense of self-preservation will be enough to unify members. President Obama will not be our last president. However, these acquired powers will be passed to his successors. When that occurs, members may loathe the day that they remained silent as the power of government shifted so radically to the Chief Executive. The powerful personality that engendered this loyalty will be gone, but the powers will remain. We are now at the constitutional tipping point of our system. If balance is to be reestablished, it must begin before this President leaves office and that will likely require every possible means to reassert legislative authority.

One of those means is the advice and consent power to approve or disapprove nominees for high office. It was created for just such a time as this. It is a legitimate constitutional power of Congress. It is not only appropriate but necessary that the Senate refuse to confirm a President's nominee when

that President has overreached and assumed the legislative powers of Congress. It is particularly necessary when the President's nominee is being appointed specifically for the improper purpose of advancing the President's unconstitutional overreach—all through powers of the office to which they have been nominated.

Mr. President, we have a number of problems with regard to executive branch overreach and executive branch failure to be responsive to Congress. When Members of Congress ask legitimate questions, we often don't get answers from the people who are paid by the taxpayers and who are authorized by us. I believe that is another matter we need to consider before we confirm people. The Department of Justice has been recalcitrant too often in producing information it should produce.

I wish to go a little bit further because some of this goes to the core of the issues before us. Is this just a policy dispute between Congress and the President? No, it goes much deeper than that. The actions of the President are stunning—beginning with his so-called Morton memos. He had an underling carry out orders to achieve what he wanted done, which is often how he has proceeded with these unlawful activities. I will point out some of them.

Beginning with the Morton memos in 2011—under the guise of prosecutorial discretion based on limited resources—the Administration began to flaunt clearly written provisions of the Immigration and Nationality Act, such as section 235, which requires the Secretary of Homeland Security to place illegal aliens into removal proceedings to be deported once they are found. Section 235 requires DHS to do that, they do not have any discretion there.

In direct contradiction of clearly written law, the Morton memos generally directed U.S. Immigration and Customs Enforcement personnel to refuse to initiate removal proceedings against certain aliens, and to administratively close or terminate such proceedings if they had been initiated. Thus began the opening salvo in the Administration's assault on our immigration laws. This is huge. Officers respond to the President's leadership.

The following year, June 2012, the Administration created, through Executive fiat, a program that Congress consistently refused to enact into law—the Deferred Action for Childhood Arrivals or DACA. This program not only shielded certain illegal aliens from the threat of removal, but it also provided them with work authorization, the ability to travel outside of the United States without fear of being refused reentry through grants of advanced parole. It gave them a Social Security number and a photo ID.

By the way, colleagues, this resulted in the Immigration and Customs Enforcement officers being so concerned at this radical reversal of the laws of the United States that they filed a law-

suit against their supervisors asserting that they were being required to violate the law of the United States rather than being allowed to carry out their sworn duty, which was to enforce the laws of the United States.

The judge was sympathetic to the matter, but for technical and legal reasons, concluded that the case would not go forward, but I believe it is still on appeal now.

This is remarkable. There are law officers—many of them have been in law enforcement for 10, 20, 30 years—who sued their supervisors because they were being ordered to violate the law instead of enforce the law. We ought to listen to them. They have repeatedly told us that what is happening is outrageous and they pleaded with Congress to stop it.

But then in November of last year, after Congress refused to pass the Administration's preferred legislation providing amnesty to illegal aliens, the Administration created, through Executive fiat, a number of other programs that further eroded enforcement of our immigration laws. Notably, the two most visible programs are the Deferred Action for Parents of Americans and Lawful Permanent Residents, the so-called DAPA Program, and an expanded version of DACA, both of which were blessed by the Department of Justice, the Office of Legal Counsel, and the Attorney General—wrong, unlawful actions blessed by the chief law enforcement officer in the country.

Less visible are policies that prevent the enforcement of immigration laws against certain criminal aliens, such as the November 20, 2014 memorandum from Jeh Johnson, the Secretary of the Department of Homeland Security, entitled "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants." That memo excludes from enforcement priority categories whole categories of criminal offenses defined in sections 2(a)(2) and 237(a)(2) of the INA.

We have observed a decimation of law enforcement in this country involving immigration as a direct result of the President's determination to create an immigration system that he believes is right, but the People, through their elected Congress, have refused to make law. This is a direct threat to who we are.

Professor Turley is so insightful about this issue. This is not some rightwing extremist. In testimony before the House committee, he said:

I believe the President has exceeded his brief. The President is required to faithfully execute the laws.

He goes on to say:

This goes to the very heart of what is the Madisonian system. If a president can unilaterally change the meaning of laws in substantial ways or refuse to enforce them, it takes offline that very thing that stabilizes our system. I believe the members will loathe the day that they allow that to happen. There will be more presidents who will claim the same authority.

When I teach constitutional law, I often ask my students, what is the limiting prin-

ciple of your argument? When that question is presented to this White House, too often it's answered in the first person, that the President is the limiting principle or at least the limiting person. We can't rely on that type of assurance in our system.

Madison knew no one can be given total power without limits.

Professor Turley goes on to say:

The problem of what the President is doing is that he is not simply posing a danger to the constitutional system; he is becoming the very danger the Constitution was designed to avoid: that is, the concentration of power in any single branch. This Newtonian orbit that the three branches exist in is a delicate one, but it is designed to prevent this type of concentration.

When asked explicitly if he believed the President violated the Constitution, he said, as I quoted before, "The center of gravity is shifting, and that makes it unstable. And within that system you have the rise of an uber presidency. There could be no greater danger for individual liberty, and I really think that the framers would be horrified by that shift because everything they've dedicated themselves to was creating this orbital balance, and we've lost it. . . ."

He goes on to say to Congress as a challenge to us:

I believe that [Congress] is facing a critical crossroads in terms of continued relevance in this process. What this body cannot become is a debating society where it can issue rules and laws that are either complied with or not complied with by the president. I think that's where we are . . . [A] president cannot ignore an express statement on policy grounds . . . [In] terms of the institutional issue . . . look around you. Is this truly the body that existed when it was formed?

So he was sitting there in the House of Representatives and he was talking to Members of Congress and said:

. . . look around you. Is this truly the body that existed when it was formed? Does it have the same gravitational pull and authority that was given to it by its framers? You're the keepers of this authority. You took an oath to uphold it. And the framers assumed that you would have the institutional wherewithal and, frankly, ambition to defend the turf that is the legislative branch.

I think we need to—without apology—defend the law, and I think this is in the Congress' interest. Congress should not confirm someone to lead the U.S. Department of Justice who will advance this unconstitutional policy. Congress has a limited number of powers to defend the rule of law and itself as an institution and to stop the executive branch from overreaching. It is unthinkable that we would ignore one of those powers in the face of such a direct threat to our constitutional order—an escalating pattern of overreach by the President.

Every day that we allow the President to erode the powers of the Congress, we are allowing the President to erode the sacred constitutional rights of the citizens we serve. We have a duty to this institution and to the American people not to confirm someone who is not committed to those principles but rather who will continue to violate them.

I will oppose this nomination and urge my colleagues to do so. I think we should see a bipartisan vote rejecting this nomination, and in doing so, Congress will send a clear message that we expect the President to abide by the law passed by Congress, not to violate it.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. For almost 2 months, I have been returning to the Senate floor to urge the majority leader to schedule the confirmation vote for our next Attorney General. Yesterday afternoon, we were finally able to get an agreement that was long overdue. But even now, this morning, we are not voting to confirm Loretta Lynch to be the next Attorney General of the United States; we are going to vote on whether to invoke cloture in regard to this top law enforcement position.

For those not familiar with the rules of the Senate, cloture is a rule that allows the Senate to end a filibuster.

The fact that Senate Republicans are requiring a cloture vote on her nomination acknowledges what we have known all along: Republicans have been engaged in an unprecedented filibuster of this nomination.

When we do vote to confirm Loretta Lynch this afternoon, she will be the first African-American woman to serve as Attorney General. She is a historic nominee, but it is Senate Republicans who are making history—and I would say for the wrong reasons. We have had 82 Attorneys General in our Nation's history. Until now, not one of those 82 has had to overcome a cloture vote. But this one, Loretta Lynch, as I said, the first African-American woman to serve as Attorney General, became the first and only to have to overcome a cloture vote.

I would have opposed any filibuster on any President. I have been here with President Ford, President Carter, President Reagan, President Bush, President Clinton, another President Bush, and President Obama. Neither Republicans nor Democrats have seen this.

President Obama first announced Ms. Lynch's nomination more than 5 months ago. At the time, Senate Democrats acceded to the request of Senate Republicans not to move her nomination during the lame duck period. Republicans promised that she would be treated fairly.

In fact, last fall, the now-majority leader promised that "Ms. Lynch will receive fair consideration by the Senate. And her nomination should be considered in the new Congress through regular order." But she hasn't been treated fairly. There hasn't been regular order.

The nomination of Ms. Lynch has been pending in the Senate awaiting confirmation for 56 days. I went back over the last seven Attorneys General. I added up the number of days they

waited for confirmation on the floor. She has waited longer than all seven of them put together twice over, so twice as long as the seven preceding Republican and Democratic Attorneys General combined: Richard Thornburgh, 1 day; William Barr, 5 days; Janet Reno, 1 day; John Ashcroft, 2 days, Alberto Gonzales, 8 days; Michael Mukasey, 2 days; and Eric Holder, 5 days. I have said it repeatedly, but it bears repeating again: this historic delay is an embarrassment for the United States Senate.

As the U.S. attorney for the Eastern District of New York, Ms. Lynch brought terrorists and cyber criminals to justice. She obtained convictions against corrupt public officials from both political parties. She fought tirelessly against violent crime and financial fraud. Ms. Lynch has protected the rights of victims. She has a proven record prosecuting human traffickers and protecting children.

I am glad that yesterday the Senate was finally able to overcome an impasse on trafficking legislation which, unfortunately, those on the other side of the aisle caused by injecting partisan politics into the debate. That Republican leaders tied a vote on the confirmation of Ms. Lynch to human trafficking legislation never made sense at all, especially given her strong record of prosecuting human traffickers.

In a recent article, the Guardian rightly pointed out that the Republican leadership's use of her nomination as a negotiating chip was "painfully wrongheaded—tantamount to holding the sheriff back until crime goes away." I could not agree more. I ask unanimous consent that the Guardian article be printed in the RECORD at the conclusion of my remarks.

We all know that Loretta Lynch is eminently qualified to be our next Attorney General. She should not have been delayed for so many months by the Senate majority. And we should not be forced to vote to cut off debate on this nomination, especially when no other Attorney General nominee has ever needed such a vote. This is the complete opposite of the fair treatment that Senate Republicans promised last November. After this extended delay on the Lynch nomination, I can only hope Senate Republicans will show her more respect as Attorney General of the United States than she has received as a nominee. She deserves our respect and gratitude for being willing to continue to serve our Nation. She has earned this respect.

Ms. Lynch's story is one of perseverance, grace, and grit and I believe this process will only make her stronger. She was born and raised in North Carolina. She is the daughter of a fourth-generation Baptist preacher and a school librarian. Her proud mother and father instilled in her the American values of fairness and equality, even though as a child those around them were not living up to these values.

I must say that meeting Reverend Lynch at these hearings and then meeting him at the time of the markup—I was so impressed with the strength that man showed and his sense of faith in goodness. This is a pastor and a preacher we can all look up to. In fact, Ms. Lynch recalls riding on Reverend Lynch's shoulders to their church, where students organized peaceful protests against racial segregation. The freedom songs and the church music that went hand in hand with those protests undoubtedly made up the sound track of her childhood. As Attorney General, I am sure she will draw upon those childhood experiences and the struggles of her parents, her grandparents, and her great-grandparents when addressing the current protests over too many young lives lost on our streets.

As I said, the Judiciary Committee was honored to have her father, the Reverend Lorenzo Lynch, with us on both days of her hearing in January, as well as at the committee markup when her nomination was favorably reported with bipartisan support. He is here to watch these proceedings today. It is clear this undoubtedly proud father instilled in his daughter the great resilience she has shown over the past 6 months.

As a Senator, as have other Senators, I have gotten to meet wonderful people from all walks of life, up to and including Presidents, but I have said many times before and I will say again that meeting Reverend Lynch was really a very special moment in this Senator's life.

Throughout Loretta Lynch's life, those who encountered her intelligence and her tenacity have not all been prepared to accept her and her impressive accomplishments. But at every point, the content of her character has shone through and led her to even greater heights.

In elementary school, administrators did not believe that Loretta Lynch could score as high as she did on a standardized test. They demanded that she retake the test. How could this young African-American girl score so high? She took the test again and her second score was even higher.

In high school, she rose to the very top of her class but had to share the title of valedictorian with two other students, one of whom was White, because school administrators feared an African-American valedictorian was too controversial. But that didn't hold her back, either. She kept going forward. She went on to graduate with honors from Harvard College, and then she went on and earned her law degree from Harvard Law School.

This has been the story of Loretta Lynch's life. While some are not ready to embrace her distinction, she marches forward with grace to prove she is even stronger and more qualified than her detractors can imagine. She has dedicated the majority of her remarkable career to public service, and

we are fortunate as a nation that she wants to continue to serve.

Ms. Lynch's record of accomplishments makes me confident she will be able to lead the Justice Department through the complex challenges it faces today.

One issue the outgoing Attorney General prioritized was the protection of Americans' right to vote. After the Supreme Court's disastrous ruling in *Shelby County v. Holder*, Republican governors and State legislatures exploited the decision and implemented sweeping voter suppression laws that disproportionately affect African Americans and other minorities. Ms. Lynch will have to continue the commitment to fighting voting rights for all Americans.

At a time of severe budget cuts for too many vital programs that help victims and support public safety, something must be done about the massive financial burden that is the Bureau of Prisons. One-third of DOJ's budget goes to BOP. This imbalance has largely been driven by our reliance on drug mandatory minimum sentences, which do not make us safer but are costing us plenty. These sentences explain why the United States has the largest prison population in the world. We must work together on more thoughtful solutions to address our mass incarceration problem.

Few issues affect communities and families as intimately as addiction. Vermont, like many parts of the country, has seen a recent surge in the abuse of heroin and other opioids. The Department must work with States to find solutions to support communities struggling with heroin and other opioids, and help them break the cycle of addiction.

The Attorney General will also be called upon to build on the sometimes strained relationship between law enforcement and communities of color, which has been exacerbated by the recent tragic events in Ferguson, New York, and South Carolina. Restoring that trust will be as great a responsibility as she will have while in office.

Nor are these issues of trust limited to local law enforcement. Just the other day, a Washington Post article detailed the fact that the Justice Department and the FBI acknowledged numerous instances of flawed testimony by FBI examiners over a two-decade period in connection with hair analysis evidence. This included dozens of cases involving defendants who were sentenced to death row. This troubling revelation means that the FBI must conduct a comprehensive analysis to prevent future breakdowns such as this.

The Justice Department must also keep up with the rapid development of technology. We must stay ahead of the curve to prevent and fight threats to cybersecurity and data privacy. The growing threat of cyber crime is very real but so is the specter of unchecked government intrusion into our private

lives—particularly dragnet surveillance programs directed at American citizens. The intelligence community faces a critical deadline this June when three sections of the Foreign Intelligence Surveillance Act are set to expire. We must protect our national security and our civil liberties. We must work together to reform our Nation's surveillance laws so we can achieve both goals and restore the public's trust.

When President Obama announced his intention to nominate Ms. Lynch last November, I had the privilege of attending the White House ceremony. At that event, Ms. Lynch noted with admiration that "the Department of Justice is the only cabinet department named for an ideal." Just think of that. The Department of Justice is named for an ideal—the ideal of justice. And having served as a State prosecutor, although not with the complexity she has encountered, I always felt that was an ideal to uphold, and she has. I believe that when Loretta Lynch is sworn in as our next Attorney General, she will work tirelessly to make that ideal a reality for all Americans.

As I said, I am sorry that for the first time, after 82 Attorneys General, we have to have a cloture vote. I have great respect for my friends in the Republican leadership, but I must say they sent an awful signal to America in saying that for the first time in 82 Attorneys General, we require a cloture vote for this highly qualified woman.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Guardian, Apr. 21, 2015]

LORETTA LYNCH 'LED THE NATION' ON HUMAN TRAFFICKING DESPITE REPUBLICAN STANDOFF  
(By Tom McCarthy)

Republican leaders say they'll hold up Lynch's confirmation until trafficking bill passes—and yet Lynch has been one of America's boldest pursuers of sex traffickers, Guardian review reveals.

After almost six months, the Republican blockade on the confirmation of Loretta Lynch as the next US attorney general—once a grand fight over immigration, then banking prosecutions, then abortion—appears headed for a final legislative showdown over protecting victims of sex trafficking.

But the biggest Congressional headache of the year—a single cabinet nomination effectively hijacking the legislative calendar—has culminated in "a very sad irony": Lynch has been one of the country's premier guardians of victims of sex trafficking, and a tireless scourge of sex traffickers, a review of her record and conversations with current and former colleagues reveal.

Lynch—according to prosecutors, officials and victims' advocates familiar with her tenure as US attorney for the eastern district of New York—has a prodigious history of throwing sex traffickers in prison, breaking up prostitution rings, rescuing underage victims forced to work as prostitutes and reuniting mothers held captive by the rings with their long-lost children.

Heading into what could be the final day of protracted negotiations over her job as the nation's highest law enforcement officer,

Lynch's supporters spoke at length with the Guardian about what they say is one of the most powerful legacies of her tenure.

Republicans have not challenged Lynch's record as a prosecutor of sex trafficking—or any other part of her record. But Senate majority leader Mitch McConnell has clung to an announcement that he would hold up her nomination until the Senate completed work on the Justice for Victims of Trafficking Act, which would create a compensation fund for victims. Republican and Democratic senators are squabbling over abortion language in the bill.

"I had hoped to turn to her next week, but if we can't finish the trafficking bill, she will be put off again," McConnell said. More than a month later, that hold is still in place, although Republicans aides on Friday signaled potential new movement on the nomination, after President Obama called the delay "embarrassing".

To those with close knowledge of Lynch's record on human trafficking, the hold-up has not been embarrassing, so much as painfully wrong-headed—tantamount to holding the sheriff back until crime goes away.

Carol Robles-Roman, who in 12 years as deputy mayor of New York City worked closely with Lynch's office to stop young girls from falling victim to sex traffickers, said Lynch had made "protecting the most vulnerable members of our society a hallmark of her tenure".

"The irony that it's a trafficking bill that's holding everything up is just . . . it's a very sad irony," said Robles-Roman, who now runs the nonprofit Legal Momentum. "The fact of the matter is, with this record, she has been one of the top leaders in the country around the fight against human trafficking."

"This is such a difficult area for prosecutors to wrap their hands around. And her office, the eastern district, has really distinguished itself in the cases that they have brought, and the fearlessness that they have shown in prosecuting these cases."

#### 'HEINOUS' CASES WITH REAL RESOLUTIONS

Lori Cohen, director of the anti-trafficking initiative at New York-based Sanctuary for Families, has worked closely with Lynch's office, including to reunite victims of sex trafficking with their children, who in multiple cases have been held in Mexico by members of the trafficking organization.

"The eastern district prosecutors have been exceptional in terms of their willingness to listen to the clients," Cohen said. "And I think that, frankly, that came from the top, that came from the attorney general nominee. I think she has always had a very high degree of professionalism, but also a very strong sense of compassion for victims. And a strong sense of justice, that people who are exploiting these vulnerable immigrant women and children in the commercial sex industry need to be held accountable."

In the typical sex trafficking case prosecuted under Lynch, a community services organization might tip off law enforcement to the presence of a prostitution ring based in Brooklyn or Queens, New York. Investigators would discover many girls and young women living under the control of men who forced them to work in brothels or who drove them around the city, sometimes to as many as 20 assignments a day.

Anne Milgram, a former prosecutor on human trafficking cases in the eastern district, who went on to serve as attorney general of New Jersey and is now a senior fellow at the New York University school of law, said one after another of the trafficking cases were prosecuted because Lynch made them a "personal priority".

"Under her leadership, the eastern district has really led the nation in this area,"

Milgram said. "I really couldn't say enough good things about both the office and Loretta Lynch's record on human trafficking. If you look nationally to find a US attorney who was as thoughtful and progressive in prosecuting human trafficking cases, I don't think you could find one."

Lynch's office has specialized in breaking up rings that share a remarkable similarity. Members of family-based crime syndicates in Mexico, in a repeated pattern, would seek out young girls in poor, rural areas and make them promises of love and a better life in the United States. Sometimes a marriage would follow. And then the girls would be introduced to a new life, in which they were coerced to work as prostitutes. Obedience was enforced with rape, beatings, imprisonment, and, in some cases, by threatening the lives of children born of the corrupt "love" affairs.

"Any trafficking victim is going to be suffering in a tremendous physical and emotional harm, and pretty extensive sexual abuse," Cohen said. "But these particular Mexican trafficking cases are so difficult for our victims because usually the trafficker is an intimate partner. So it could be a man who held himself out to be a boyfriend, or a fiancé, and in at least one case it's been a husband. Who courted a client, who won her trust, and her love, and in a number of cases had children with her."

"You just pull the facts of one of these cases, and they're heinous," Robles-Román said. "They almost don't sound real."

#### THE MOST ACTIVE RECORD IN THE COUNTRY

Lynch's office has specialized in breaking up these rings. The eastern district of New York has delivered more than 55 indictments in human trafficking cases and rescued more than 110 victims, including at least 20 minors, in the past 10 years.

Under Lynch, the eastern district is currently prosecuting at least five cases relating to the prostitution of US minors or sex trafficking—more active prosecutions than any other US attorney's office in the country, according to knowledgeable observers.

In 2012, Lynch's office reunited a child and mother who had been separated for more than 10 years when the woman was taken from Mexico to New York and forced to work as a prostitute. It was one of 18 such mother-and-child reunions completed by the eastern district.

Cohen worked with a client who was reunited with her child after a conviction by Lynch's office.

"It was really very moving," Cohen said. "My client had been separated from her child for a number of years and was really frantic about her child's safety. Frankly it's terrifying for a victim to come forward and report the abuse, when she is afraid that if word of her cooperation gets back to her traffickers, there's very little protection available for her child back in Mexico."

"These clients, when they have children, they are mothers first. And they'll do anything to protect their children. In fact some of them continue to be trafficked because they were afraid that if they stopped or refused, that their children would be harmed."

In December 2012, Lynch announced the extradition and arraignment of four suspects from Mexico in two separate sex trafficking cases. In 2013, Lynch sent a New York bar owner and two co-defendants to prison for dozens of years each for running a sex-trafficking ring between Central America, Mexico and two bars on Long Island. In 2014, three brothers convicted of sex trafficking were sentenced to double-digit prison terms for enticing victims as young as 14 to be transported illegally into the United States and forced to work as prostitutes in New York City and elsewhere.

"It's horrible to think that children in the United States are being exploited sexually," said Robles-Román. "They are. [But Lynch's] office has shown that they have the courage, the know-how, and the expertise to prosecute these people—some of them involving international criminal enterprises."

"From my perspective, somebody who has that vision, and that eye, to protect our most vulnerable, can protect us all. It is a fearlessness that we need in our attorney general."

As of Monday, after what minority leader Harry Reid called "164 very long days", there was still no Senate deal over the abortion language in the trafficking legislation, although signs emerged that a deal may be close.

If Republicans stick to their promise, it will then be Lynch's turn. And if she is confirmed, to hear Lynch's former colleagues tell it, the Senate will have made a difference on behalf of society's most vulnerable.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Texas.

Mr. CRUZ. Mr. President, today I rise to talk about what has come to define the Obama administration, which is a consistent pattern of lawlessness that disrespects the Constitution, that disrespects the Congress, and that disrespects the people of the United States.

In any administration, under any President, the person charged with being the chief law enforcement officer is the Attorney General. I have been blessed to work in the U.S. Department of Justice, and there is a long, bipartisan tradition of Attorneys General remaining faithful to the law and to the Constitution and setting aside partisan considerations and politics. Unfortunately, that tradition has not been honored during the Obama Presidency.

Attorney General Eric Holder has been the most partisan Attorney General the United States has ever seen. The Attorney General has systematically refused to do anything to seriously investigate or prosecute the IRS for targeting citizens for expressing their First Amendment rights. Indeed, he has assigned the investigation to a major Democratic donor and partisan Democrat who has given over \$6,000 to President Obama and the Democrats. Eric Holder has abused the office and has turned it, in many respects, into a partisan arm of the Democratic Party. He is the only Attorney General in the history of the United States to be held in contempt of Congress.

So there are many, including me, who would very much like to see Eric Holder replaced. There are many, including me, who would very much like to see an Attorney General who will return to the bipartisan traditions of the Department of Justice of fidelity to law, and that includes most importantly the willingness to stand up to the President who appointed you even if he or she is from the same political party as are you.

During the confirmation hearings, I very much wanted to support Loretta Lynch's nomination. Bringing in a new

Attorney General should be turning a positive page in this country. But, unfortunately, the answers Ms. Lynch gave in the confirmation hearing, in my opinion, rendered her unsuitable for confirmation as Attorney General of the United States. That was a shame.

Ms. Lynch's record as the U.S. attorney for the Eastern District of New York had earned her a reputation as a relatively no-nonsense prosecutor, so it was my hope that we would see a similar approach and similar answers from Ms. Lynch at the confirmation hearing. Instead, she chose to embrace the lawlessness of the Holder Justice Department.

When she was asked whether she would defend President Obama's illegal Executive amnesty, which President Obama has acknowledged no fewer than 22 times that he had no constitutional authority to undertake and which a Federal court has now enjoined as unlawful, she responded affirmatively, saying she thought the administration's contrived legal justification was "reasonable."

The nominee went on to say that she sees nothing wrong with the President's decision to unilaterally grant lawful status and work authorizations that are explicitly barred by Federal law to nearly 5 million people who are here in this country illegally.

When asked further who has "more a right to a job, a United States citizen or a person who came to this country illegally?" she responded, "I believe that the right and obligation to work is one that is shared by everyone in this country, regardless of how they came here." Well, a very large majority of American citizens would beg to differ. Rule of law matters.

When she was asked about the limits of prosecutorial discretion—the dubious theory President Obama has put forth to justify his illegal executive amnesty—she could give no limits to that theory.

When asked if a subsequent President could use prosecutorial discretion to order the Treasury Secretary not to enforce the tax laws and to collect no more income taxes in excess of 25 percent, she refused to answer.

When asked if a subsequent President could use that same theory to exempt the State of Texas—all 27 million people—from every single Federal labor law and environmental law, she refused to answer.

When asked if she agreed with the Holder Justice Department that the government could place a GPS sensor on the car of every single American without probable cause, she refused to answer. That extreme view was rejected by the U.S. Supreme Court unanimously.

When asked if she agreed with the Holder Justice Department that the First Amendment gives no religious liberty protection whatsoever to a church's or synagogue's choice of their own pastor or their own rabbi, she



again refused to answer. Likewise, that extreme view was rejected unanimously by the U.S. Supreme Court. Indeed, Justice Elena Kagan—appointed by President Obama—said at the oral argument that the Holder Justice Department's position that the First Amendment says nothing about the religious liberty of a church or a synagogue—Justice Kagan said, "I find your position amazing." Well, I am sorry to say that Ms. Lynch was unwilling to answer whether she holds that same amazing position, that the First Amendment does not protect the religious liberty of people of faith in this country.

When asked in her hearing if she believes the Federal Government could employ a drone to kill a U.S. citizen on U.S. soil if that individual posed no imminent threat, she refused to answer.

When asked if she would be willing to appoint a special prosecutor to investigate the IRS's targeting of citizens and citizen groups for their political views—something which President Obama said he was "angry about and the American people had a right to be angry about"—and when asked if she would appoint a prosecutor who was at a minimum not a major Obama donor, she refused to answer.

This nominee has given every indication that she will continue the Holder Justice Department's lawlessness. That was her testimony to the Senate Judiciary Committee.

I wanted to support this nomination. I wanted to see a new Attorney General who would be faithful to law. But her answers made that impossible.

I would note that there is a difference. Eric Holder began disregarding the Constitution and laws after he was confirmed as Attorney General. Ms. Lynch has told the Senate that is what she is going to do. That means each and every one of us bears responsibility. In my view, no Senator can vote for this confirmation consistent with her or her oath given the answers that were given.

I would note that a particular onus falls on the new Republican majority. For several months, I have called on the Republican majority to block the confirmation of President Obama's executive and judicial nominees other than vital national security positions unless and until the President rescinds his lawless amnesty. I am sorry to say the majority leadership has been unwilling to do so.

The Republican majority, if it so chose, could defeat this nomination, but the Republican majority has chosen to go forward and allow Loretta Lynch to be confirmed.

I would note that there are more than a few voters back home who are asking: What exactly is the difference between a Democratic and Republican majority when the exact same individual gets confirmed as Attorney General promising the exact same lawlessness? What is the difference? That is a question each of us will have to answer to our constituents when we go home.

In my view, the obligation of every Senator to defend the Constitution is front and center why we are here. We have a nominee who has told the Senate she is unwilling to impose any limits whatsoever on the authority of the President of the United States for the next 20 months. We are sadly going to see more and more lawlessness, more regulatory abuse, more abuse of power, more Executive lawlessness.

Now more than ever, we need an Attorney General with the integrity and faithfulness of law to stand up to the President. Attorneys General in both parties, Republican and Democratic, have done so. When credible allegations of wrongdoing by Richard Nixon were raised, his Attorney General, Elliot Richardson, appointed a special prosecutor, Archibald Cox, to investigate regardless of partisan politics. Likewise, when credible allegations by Bill Clinton arose, his Attorney General, Janet Reno—a Democrat—appointed Robert Fisk as the independent counsel to investigate those allegations. Eric Holder has been unwilling to demonstrate that same faithfulness to law, and unfortunately Ms. Lynch has told us that she, too, is unwilling to do so. For that reason, I urge all of my colleagues to vote no on cloture and to insist on an Attorney General who will uphold her oath to the Constitution and to the people of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come before the Senate today to vote and to urge my colleagues to vote in favor of confirming Loretta Lynch as Attorney General.

I disagree with my colleague from Texas. I serve on the Judiciary Committee, as does the Senator from Texas. I listened to her questions. I asked her questions. I listened to her answers. In my view, she passed her senatorial interview. She has picked up support from several Republicans. She answered questions for 8 hours during her confirmation hearing and submitted detailed responses to 900 written questions.

What I would like to focus on today are the claims I just heard from the Senator from Texas that she is somehow lawless.

Let's look through the facts. She has earned the support of Members of both parties. Do the Republicans who support her for this position think she is lawless? I don't think so. She has earned the support of top law enforcement groups and 25 former U.S. attorneys from both Republican and Democratic administrations.

Now let's start with the obvious. She is supremely qualified for Attorney General. She has a world-class legal mind, an unwavering commitment to justice, an unimpeachable character, and an extraordinary record of achievement.

During her time as U.S. attorney for the Eastern District of New York, she

tackled some of our Nation's hardest cases, from public corruption, to civil rights violations, to massive crime rings. She currently leads the U.S. attorney's office that has been charged with prosecuting more terrorism cases since 9/11 than any other office in the country, including trying the Al Qaeda operative who plotted to attack New York City's subway system. Would you hand this over to a lawless person? No. You would hand this over—this important job of going after terrorists—to someone who respects the law, who enforces the law, not, as my colleague from Texas said, to someone who is lawless.

This is a concern in my State. Just this week, our U.S. attorney, Andy Luger, indicted six people—six people—in the Twin Cities area who were plotting to go back to assist ISIS, to assist a terrorist group. So I care a lot about having an Attorney General in place who actually knows how to handle these terrorism cases, who is going to lead the Justice Department and understands the importance of going after these cases. Loretta Lynch is exactly the type of tough and tested leader we need at the Justice Department to lead the effort.

She has been endorsed by leaders ranging from the New York police commissioner—I don't know if my colleague from Texas considers him lawless—to the president of the Federal Law Enforcement Officers Association, to the president of the National Association of Chiefs of Police. Alberto Gonzales says it is time to vote on Ms. Lynch. Rudy Giuliani says it is time to confirm her. These are not people my colleagues on the other side of the aisle normally say are lawless.

This is the story of Loretta Lynch and why I think she has been able to wait out this long process. Loretta Lynch has a lot of patience. When she was a little girl, she took a test and did incredibly well on that test. She did so well that they didn't believe she took that test. They asked her to take that test again, and she scored even higher. When she was valedictorian of the class, the principal came up to her and said: You know, this is a little awkward. You are African American, and we might want another White student to share the honor. That is what happened to her. She said: All right. That is a woman who has been through something and can wait this out. She will wait no longer after today.

The other thing I heard from our friends on the other side of the aisle—from Senator CRUZ—was that somehow she is lawless because she supported something that every President since Dwight Eisenhower has supported, has asked their Attorney General to do. The Attorney General has looked at the legal issues surrounding the issuance of an Executive order regarding immigration. Every Attorney General since Eisenhower's administration has advised their President on these issues. The first George Bush, the second George Bush, Ronald Reagan—with

every single one of these Presidents, there was some kind of Executive order issued involving immigrants.

I know because we have Liberians in Minnesota who, because of unrest in their country, have been there for decades under an Executive order, something that sometimes Congress gets involved and sometimes the President reissues. But that is one example of a group of people who have been able to stay in our country legally, work in our hospitals, work in our industries, and raise their families in this country because of Executive orders.

So to say that it is sometimes lawless—how lawless for her to support this simple idea that a President can issue an Executive order. Of course, we can debate the merits of that. We can talk about the fact that of course we would rather have comprehensive immigration reform. That is why I voted it. Of course that would be better, so the President could just tear up his Executive action. He said he would be glad to do that.

But the point of this is that every Attorney General in the Republican administrations since Dwight Eisenhower has supported their President when they issued an Executive order. So this idea that by somehow saying that is legal makes this nominee lawless is just plain wrong.

We look forward to another robust debate on immigration policy. Comprehensive immigration reform should be debated and passed by Congress. But Ms. Lynch should be judged on her record and her record alone. When we look at her record, we should be proud to have her as our next Attorney General of the United States of America.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to make a few remarks about Loretta Lynch. While she should have been confirmed as Attorney General months ago, I want to make the following points: Her qualifications are sterling. Her education, her experience as a U.S. attorney under two Presidents, as well as her accomplishments are unassailable.

I have never seen a nominee in my 22 years handle a confirmation hearing with such poise and answer questions with such command. During her hearing, I said Loretta Lynch was a combination of steel and velvet, and that, to me, sums her up perfectly.

I met with her prior to her hearing and was deeply impressed. I reviewed her stellar record and found her to be a firm yet fair prosecutor—as a matter of fact, probably the prosecutor in one of the toughest districts—the Eastern District of New York—that exists in America.

Having led this very large and important U.S. Attorney's Office under two Presidents, she is a proven leader and she also knows how to bring people together to get the job done. I think that is important.

Let me just talk about national security. The Eastern District of New York, where Ms. Lynch served as U.S. attorney, has led the Nation in terrorism convictions among all U.S. Attorney Offices since 2001. She has overseen these cases. The six individuals connected to Najibullah Zazi, who was part of an Al Qaeda plot and planned to set off bombs on the New York subway system; Rezwanul Nafis, who attempted to use a weapon of mass destruction against the New York Federal Reserve Bank; four individuals, including Russell Defreitas, who plotted to attack JFK Airport; an individual who tried to go to Yemen to join Al Qaeda in the Arabian Peninsula; and two individuals who allegedly were members of Al Qaeda and attacked U.S. military forces overseas.

In February, her office announced that three individuals had been charged with attempting and conspiring to provide material support to ISIL. Two were planning to fly to Syria to join ISIL. The third was arrested while boarding a flight to Turkey at JFK. Her office has also charged 11 individuals, alleging that they illegally worked to secure more than \$50 million in high-tech equipment for Russian military and intelligence agencies.

At her confirmation hearing, Lynch emphasized the importance of the government having the “full panoply of investigative tools and techniques to deal with the ever-evolving threat of terrorism.” In sum, I am confident she is going to be a very strong voice leading the Justice Department on issues of national security. I can only say I think, as those of us on the Intelligence Committee see—and the Presiding Officer is one of them—this becomes more important every day.

Her experience is just as deep on domestic issues. As U.S. attorney for a major urban district, she clearly understands the importance of protecting us from gangs and organized crime, issues that are front and center in my home State of California.

Her work in this area shows she understands local and international criminal organizations.

In the last year, under her leadership, three individuals connected to a major organized crime family pleaded guilty to a racketeering conspiracy.

A gang leader was found responsible, after a five-week trial, “for six murders, two attempted murder[s], armed robberies, murder-for-hire, narcotics, distribution, and gambling on dog fighting.”

Another gang leader was convicted and sentenced to 37 years in prison for ordering the murder of two individuals, one of whom was believed to be associated with a rival gang.

Three individuals in a New York cell of an international cybercrime organization were also convicted on charges stemming from cyberattacks that resulted in \$45 million in losses.

She has also made combatting human trafficking a priority. Over the

last decade, her office's anti-trafficking program has indicted more than 55 defendants in sex trafficking cases and rescued more than 110 victims of sex trafficking, including more than 20 minors.

Simply put, Loretta Lynch has been on the frontlines in investigating and prosecuting a range of perpetrators, and I believe she will continue that work as Attorney General.

I would be remiss if I did not express my extreme disappointment in the delay over Ms. Lynch's confirmation. We have before us a nominee with impeccable credentials to serve as the Nation's chief law enforcement officer. During her confirmation, Senator LEAHY asked a panel of witnesses who were pro and supposedly con to raise their hands if they opposed her. Not a single witness raised their hand. To me, that spoke volumes.

Even Republicans who will vote against her because they disagree with the President praise her credentials and personal qualifications. But despite all of that, the Senate subjected her to, I think, an inexcusable delay. It is particularly sensitive because this would be the first African-American woman as Attorney General in the history of the United States.

If you look at race relations today and the impartial and important role that the Department of Justice plays, it seems to me that her appointment may well be the most important possible appointment at this particular point in time. Her nomination has been pending for 56 days on the floor. That is more than twice as long as the seven most recent Attorneys General combined.

So, hopefully, it is done now. I recognize the other side will say they could not move the nomination because of the trafficking bill or for some other reason. But the fact remains that, historically, we customarily move back and forth between executive and legislative business. We could have done that here as well. We have confirmed district judges, we have confirmed individuals who serve in various other executive capacities, including subcabinet positions. So we could have easily considered the nominee for one of the most important posts in this government.

Let me conclude with this. I regret that a vote on her nomination cannot be unanimous. I hope it will be close to that. I do not think that will be possible. She is that good. She deserves a unanimous vote. She is as fine as I have seen in my time in the Senate.

Senator DURBIN remarked in committee that her confirmation will be a truly momentous occasion for the Senate and for our Nation. He said this should be a “solemn, important, and historic moment for America.” I truly believe he was right. I truly believe this is an uncommon nominee at an uncommon time who can display a tremendous will, drive, motivation, and sense of justice as our U.S. Attorney



General. I am very honored to cast my vote in favor of her nomination.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, briefly, this should be a happy day for America. This should be a day that is circled on the calendar as another day, as the Presiding Officer of this Senate knows, that this is about the American dream. This woman is the embodiment of the American dream in action. We should be celebrating her confirmation to the most important law enforcement position in the United States of America.

So why am I not happy? I am sad. I am depressed, because what we are going to witness in a few minutes is base politics at its ugliest. It does not get any uglier than this because what we are saying today—what my colleagues on the other side of the aisle are saying today is that it does not matter if you are qualified. It does not matter if you are one of the most qualified nominees for Attorney General in the history of our country. That makes no difference. We have a new test: You must disagree with the President who nominates you. Let me say that again because we love common sense in Missouri. This defies common sense. You must vote against a nominee for the Cabinet of the duly elected President of the United States because she agrees with the duly elected President of the United States. Think of the consequences of that vote. Think what that means to the future of advise and consent in this Senate.

If we all adopt this base politics “place in the cheap seats,” I can’t get elected President unless I am against Loretta Lynch, if we all adopt that in the future, how is any President elected in this country going to assemble a Cabinet? Because it will be incumbent on all of us to be against Cabinet members who have the nerve to agree with the President who has selected them for their team.

It is beyond depressing. It is disgusting. She is so qualified. She has worked so hard all of her life. She is a prosecutor’s prosecutor. She has prosecuted more terrorists than almost anybody on the face of the planet. The notion that this has occurred because she agrees with the man who selected her—I think everyone needs to understand what that means to the future if all of us embrace that kind of base politics in this decision. It is not a happy day. It is a very sad day.

I am proud of who Loretta Lynch is. I am proud she will be Attorney General of this country. I am sad it will be such a close vote.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, Loretta Lynch is an historic nominee. What I worry about is this body is making history for the wrong reasons. Senate Republicans have filibustered her. She becomes the first out of 82 Attorneys General in our Nation’s history to face a filibuster.

On one hand she is an historic nominee for the right reason; the first African-American woman for Attorney General, a woman who is highly, highly qualified. Everybody agrees with that. But what a shame that we have the second part of history, to have her be the first out of 82 Attorneys General to be filibustered—to be held to this very disturbing double standard. This woman has had to face double standards all her life—why one more? I will proudly vote for her.

I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

#### CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Loretta Lynch to be Attorney General.

Mitch McConnell, Richard Burr, John Cornyn, Lamar Alexander, Bob Corker, Jeff Flake, Susan M. Collins, Orrin G. Hatch, Thom Tillis, Lisa Murkowski, Harry Reid, Richard J. Durbin, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Kirsten E. Gillibrand, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Loretta E. Lynch, of New York, to be Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 66, nays 34, as follows:

[Rollcall Vote No. 164 Ex.]

#### YEAS—66

Alexander	Flake	Murphy
Ayotte	Franken	Murray
Baldwin	Gardner	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Booker	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Roberts
Burr	Hirono	Rounds
Cantwell	Johnson	Sanders
Capito	Kaine	Schatz
Cardin	King	Schumer
Carper	Kirk	Shaheen
Casey	Klobuchar	Stabenow
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	Markey	Tillis
Corker	McCaskill	Udall
Cornyn	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

#### NAYS—34

Barrasso	Cruz	Hoeven
Blunt	Daines	Inhofe
Boozman	Enzi	Isakson
Cassidy	Ernst	Lankford
Coats	Fischer	Lee
Cotton	Grassley	McCain
Crapo	Heller	Moran

Murkowski	Sasse
Paul	Scott
Perdue	Sessions
Risch	Shelby
Rubio	Sullivan

Toomey
Vitter
Wicker

The PRESIDING OFFICER (Mrs. FISCHER). On this vote, the yeas are 66, the nays are 34.

The motion is agreed to.

Cloture having been invoked, under the previous order, there will be up to 2 hours of postcloture debate equally divided between the two leaders prior to a vote on the Lynch nomination.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1191

Mr. MCCONNELL. Madam President, last week the Senate entered a unanimous consent agreement to get on the bipartisan Iran congressional review act at a time to be determined by the two leaders. Now that the Senate has passed the antitrafficking bill and the Lynch confirmation vote has been scheduled for later today, it is my intention to turn to the Iran legislation.

Therefore, I ask unanimous consent that at 3 p.m. today the Senate agree to the motion to proceed to H.R. 1191, as under the previous order, with debate only during today’s session of the Senate following the offering of a substitute amendment by Senator CORKER or his designee, as under the previous order.

I further ask that following leader remarks on Tuesday, April 28, 2015, Senator CORKER be recognized to offer an amendment to the pending substitute.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Madam President, it is my understanding that on Monday there will be opportunity for debate.

Is that right, Mr. Leader?

We will do that at closing tonight. That would be good.

Madam President, I appreciate very much the understanding of the Republican leader, the majority leader, about how to proceed on this. This is a really important piece of legislation. I don’t know of a piece of legislation in recent years that is more important than this. So I look forward to the Senate turning to this legislation.

I again applaud and commend Senators CORKER and CARDIN for the delicate and very good work they have done on this. This measure, I repeat, is important. It deals with matters of international affairs and Congress’s role in carrying out the constitutional responsibilities we have. This bill will take some time. I hope we can finish it as rapidly as possible. That is what I want.

I also want to comment that I think it is important we have the opportunity—and I am sure the Republican leader—to have our caucus on Tuesday, so that we by that time will have an idea how we are going to proceed forward on this.

I have heard some Senators want to offer amendments really to hurt this bill. I hope that, in fact, is not the case. I hope people are trying to be constructive. Regardless of that, the leader has assured us that there will be an open amendment process. So no matter how a person feels about this bill, they will have an opportunity to offer amendments. In my opinion, we need to support the Corker-Cardin agreement. Those Senators worked so we can get the bill passed as soon as possible.

So I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, today the Senate takes up the nomination of the 83rd Attorney General.

We all know the former Democratic leadership could have processed this nomination during last year's lame duck. But in the limited time we had, they chose to concentrate on confirming a number of judges and getting a losing vote on NSA reform. Ms. Lynch, at that time, wasn't high on the priority of the Democratic majority, but now I am pleased that the Senate was finally able to come to an agreement on the sex trafficking legislation, so we can turn to the Lynch nomination.

I voted against Ms. Lynch's nomination in committee and will oppose her nomination again when it is time to vote this afternoon. I will spend a few minutes now explaining my reasons to my colleagues.

This nomination comes at a pivotal time for the Department of Justice and our country. The next Attorney General will face some very difficult challenges—from combatting cybercrime, to protecting our children from exploitation, to helping fight the war on terror. But beyond that, the new Attorney General has a mess to clean up. The Justice Department has been plagued the last few years by decisionmaking driven by politics—pure politics. Some of these I have mentioned before, but I would like to give just a few examples.

The Department's own inspector general listed this as one of the top management challenges for the Department of Justice: "Restoring Confidence in the Integrity, Fairness, and Accountability of the Department." That

is quite a major management challenge the Department faces.

This inspector general cited several examples, including the Department's falsely denying basic facts in the Fast and Furious controversy. The inspector general concluded this "resulted in an erosion of trust in the Department."

In that fiasco, our government knowingly allowed firearms to fall into the hands of international gun traffickers, and, I am sorry to say, it led to the death of Border Patrol agent Brian Terry.

Then how did the Department respond to all this obviously wrong action on their part? They denied, they spun, and they hid the facts from Congress. And if you hide the facts from the American Congress, you are hiding the facts from the American people.

They bullied and intimidated whistleblowers, members of the press, and, you might say, anyone who had the audacity to investigate and help us uncover the truth.

But Fast and Furious isn't the Department's only major failing under the Holder tenure. It has also failed to hold another government agency accountable, the Internal Revenue Service.

We watched with dismay as that powerful agency was weaponized and turned against individual citizens who spoke out in defense of faith, freedom, and our Constitution. What was the Department's reaction to the targeting of citizens based on their political beliefs? They appointed a campaign donor to lead an investigation that hasn't gone anywhere, and then, after that, the Department called it a day.

Meanwhile, the Department's top litigator, the Nation's Solicitor General, is arguing in case after case for breathtaking expansions of Federal power.

I said this before, but it bears repeating: Had the Department prevailed in just some of the arguments it pressed before the Supreme Court in the last several years—and I will give five examples:

One, there would be essentially no limit on what the Federal Government could order States to do as a condition for receiving Federal money.

Two, the Environmental Protection Agency could fine homeowners \$75,000 a day for not complying with an order and then turn around and deny that homeowner any right to challenge the order or those fines in court when the order is issued.

Three, the Federal Government could review decisions by religious organizations regarding who can serve as a minister of a particular religion.

Four, the Federal Government could ban books that expressly advocate for the election or the defeat of political candidates.

And five, lastly, the way this Solicitor General argued, as I said, would bring the most massive expansion of Federal power in the history of the country. The Fourth Amendment wouldn't have anything to say about

the police attaching a GPS device to a citizen's car without a warrant and constantly tracking their every movement for months or years.

Now, I have given five reasons of expansion of the Federal Government. These positions aren't in any way mainstream positions. At the end of the day, the common thread that binds all of these challenges together is a Department of Justice which has become deeply politicized. But that is what happens when the Attorney General of the United States views himself—and these are his own words—as the President's "wingman."

Because of all the politicized decisions we have witnessed over the last few years, I have said from the very beginning of this process that what we need more than anything else out of our new Attorney General is independence. Ever since she was nominated, it was my sincere hope that Ms. Lynch would demonstrate that sort of independence. It was my hope that she would make clear that, while she serves at the pleasure of the President, she is accountable to the American people, because the job of Attorney General is defined by a duty to defend the Constitution and uphold the rule of law. The job is not simply to defend the President and his policies.

I voted for Attorney General Holder despite some reservations and misgivings, but I have come to regret that vote because of the political way he has led the Department. I realize that the quickest way to end his tenure as Attorney General is to confirm Ms. Lynch, but, as I have said, the question for me from the start has been whether Ms. Lynch will make a clean break from the Holder policies and take the Department in a new direction.

Some of my Democratic colleagues have said that no one has raised any objection to Ms. Lynch's nomination. This, of course, is inaccurate. No one disputes that she has an impressive legal background. It was her testimony before the committee that caused concerns for many Senators, including me. After thoroughly reviewing that testimony, I concluded that she won't lead the Department in a different direction. That is very unfortunate. After 6 years of Attorney General Holder's leadership, the Department desperately needs a change of direction.

I would like to remind my Democratic colleagues that it was not too long ago that a majority of Democrats voted against Judge Mukasey for Attorney General—not based on his records but instead based upon his testimony before the committee. In fact, then-Senator Obama had this to say about Judge Mukasey: "While his legal credentials are strong, his views on two critical and related matters are, in my view, disqualifying."

I asked Ms. Lynch about her views on Fast and Furious, on the IRS scandal, and other ways the Department has been politicized. She did not demonstrate that she would do things differently. Instead, she gave nonanswers.

She was eloquent and polished but non-responsive.

The bottom line is that Ms. Lynch does not seem willing to commit to a new, independent way of running the Department. That surprised me very much. Based on everything we were told, I expected Ms. Lynch to demonstrate a bit more independence from the President. I am confident that if she had done so, she would have garnered more support.

As I said when the committee voted on her nomination, to illustrate this point, we need to look no further than the confirmation of Secretary Carter to the Department of Defense earlier this year. When he testified before the Senate Armed Services Committee, Secretary Carter demonstrated the type of independent streak that many of us were hoping we would see in Ms. Lynch.

Most of the media reporting on the two nominations seemed to agree. Headlines regarding the Carter nomination in the New York Times and the Washington Post commended his shift from the President's policies with headlines such as "Defense nominee Carter casts himself as an independent voice," which was in the Washington Post, and in the New York Times, "In Ashton Carter, Nominee for Defense Secretary, a Change in Direction." But on the Lynch nomination, those same newspapers highlighted that she defended the President's policies on immigration and surveillance with headlines such as "Lynch Defends Obama's Immigration Action," which was in the New York Times, and from the Huffington Post, "Loretta Lynch Defends Obama's Immigration Actions."

Secretary Carter was confirmed with 93 votes. Only five Senators voted against Secretary Carter's nomination. That lopsided vote was a reflection of his testimony before the Senate, which demonstrated a willingness to be an independent voice within the administration. Unfortunately, Ms. Lynch did not demonstrate the same type of independence.

I sincerely hope Ms. Lynch proves me wrong and is willing to stand up to the President and say no when the duty of office demands it. But based upon my review of her record, I cannot support the nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise today to discuss the nomination of Loretta Lynch, a proud New Yorker and soon-to-be Attorney General of the United States of America. She was born in North Carolina, and her father was a fourth-generation Baptist minister, a man who grew up in the seg-

regated South, and her mother picked cotton when she was a girl so her daughter would never have to. Their daughter grew up to be one of the keenest legal minds our country has to offer, someone who has excelled at every stage of her education and her career while cultivating a reputation—well deserved—as someone who is level-headed, fair, judicious, and eminently likable.

If there is an American dream story, Loretta Lynch is it. Still, despite her intellectual and career achievements, Ms. Lynch has always been a nose-to-the-grindstone type, rarely seeking acclaim, only a job well done.

Throughout her career, she has had a yearning to serve the public, which began when she took a 75-percent pay cut to join the Eastern District as a prosecutor. There, she found her calling, handling some of the toughest litigation cases in the country on cyber crime, public corruption, financial fraud, police abuse, gang activity, organized crime, and especially terrorism.

When you look at the breadth and the depth of the cases she has handled, it is clear that Loretta Lynch is law enforcement's Renaissance woman. Because of her judicious, balanced, and careful approach to prosecuting on complex and emotional community-police relations matters, Ms. Lynch has always emerged with praise from both community leaders and the police. America needs this kind of leadership in our top law enforcement position.

In this age of global terrorism, the Attorney General's role in national security has never been more important.

I know her well. I was the person who recommended her to the President to be U.S. attorney twice. I know how good she is. In some of the most difficult cases—cases where the community was on one side and the police were on the other—she emerged with fair decisions that made both sides praise her. In this difficult world we are in, where we have so much tension, she is going to be great. That is why I was so proud when the President nominated her for Attorney General. She is just great. But one sad note—there is one cloud on this sunny day, and that is the long time it took to confirm her. We heard about a whole lot of issues completely unrelated to her experience or her qualifications. No one can assail Loretta Lynch—who she is, what she has done, how good an Attorney General she would be.

One quick story about Ms. Lynch. As I mentioned, I originally recommended Loretta Lynch for the position of U.S. attorney in 1999 because I thought she was excellent. Sure enough, she was.

When President Bush took office, Ms. Lynch went to the private sector to earn some money. When I had the opportunity to recommend a candidate for U.S. attorney again when President Obama became President in 2009, I was certain I wanted Ms. Lynch to serve again. She had only served for about

1½ years. She had done such a good job, I said, we need her back. But she had a good life. She was making a lot of money and had gotten married in the interim.

Knowing what a great person she is, I decided I would call her late on a Friday afternoon. I was confident that with the weekend to think it over, she would be drawn to answer the call to public service. When I called her Friday afternoon, she said to me, I was dreading this call, because she was happy in her life. But sure enough on Monday morning she called me back and said, I cannot turn this down because my desire to serve is so strong.

She is a great person in every way. On top of decades of experience at the highest levels of law enforcement and a sterling track record, Loretta Lynch brings a passion and deep commitment to public service befitting of the high office she is about to attain.

She will make an outstanding Attorney General. I believe every Member of this body will be proud of her, and I look forward to voting for her with great enthusiasm.

I yield the floor.

Mr. MCCAIN. Madam President, today I underscore my opposition to the nomination of Loretta Lynch to be the next Attorney General of the United States. While her experience is extensive, both her judgment and independence were called into question by her expressed views on President Obama's clearly unconstitutional actions on immigration, and this is something that cannot be overlooked when considering a nominee to be our Nation's chief law enforcement officer.

Let's review Ms. Lynch's testimony before the Judiciary Committee on whether she believes the President's actions are constitutional. During that hearing, Ms. Lynch stated that she "thought the legal opinion was reasonable" and that the President's actions were a "reasonable way to marshal limited resources to deal with the problem." When asked for a yes or no answer on whether she thinks Obama's executive actions on immigration were legal and constitutional, she stated, "[A]s I've read the opinion, I do believe it is."

What do these statements tell us? On the specific question of whether she thought the executive action was constitutional, Ms. Lynch was, at best, ambiguous. She attempted to obfuscate by saying that she found the underlying legal opinion "reasonable." In my view, all obfuscation aside, she sufficiently conveyed to the committee that she, in fact, thought the executive actions were legal and constitutional.

Many have asked me: But, Senator McCain, wouldn't you expect a Presidential nominee to support a position being taken by the President who is nominating her? In most cases, the answer is yes. And, it is well known that, historically, I have been deferential to the President's prerogative to select his senior advisors—even those who require Senate confirmation. But, on

matters regarding the U.S. Constitution—particularly those that implicate the separation of powers between the executive and legislative branches, the Attorney General is different.

It is the job of the U.S. Attorney General to represent the people of the United States and to “do justice.” It is not to serve as a policy instrument or cheerleader for the President. We have had years of that with Attorney General Holder. It has to stop with this nomination. Inasmuch as, by her own testimony, Ms. Lynch sees merit in a position that impinges on the constitutional prerogatives of the branch of government that I serve, I must vote in opposition to her nomination.

By the President's own repeated appraisal, the executive actions on immigration are unconstitutional. At least 22 times in the past few years, President Obama claimed he did not have the authority to unilaterally change the law in the way he did. For years, he pointed to Congress as the only way this change could take place, but reversed that position last November with his executive actions declaring the law as currently drafted to be inapplicable to millions of people. The following is a just a sampling of these oft-repeated statements:

“Comprehensive reform, that's how we're going to solve this problem. . . . Anybody who tells you it's going to be easy or that I can wave a magic wand and make it happen hasn't been paying attention to how this town works.”

“I can't simply ignore laws that are out there. I've got to work to make sure that they are changed.”

“I am president, I am not king. I can't do these things just by myself.”

“But there's a limit to the discretion that I can show because I am obliged to execute the law. That's what the Executive Branch means. I can't just make the laws up by myself. So the most important thing that we can do is focus on changing the underlying laws.”

“With respect to the notion that I can just suspend deportations through executive order, that's just not the case. . . .”

“Believe me, the idea of doing things on my own is very tempting. I promise you. Not just on immigration reform. But that's not how our system works. That's not how our democracy functions. That's not how our Constitution is written.”

Whether you call it prosecutorial discretion or prioritizing enforcement, the argument does not survive scrutiny. With the stroke of a pen, the President's Executive action on immigration unilaterally changed the law as he saw fit, in violation of our Constitution and the way our system of government wisely provides for laws to be changed.

To the extent Ms. Lynch is willing to characterize this as reasonable and even constitutional, I cannot support her nomination. For all these reasons, I cast my vote in opposition to her confirmation to be U.S. Attorney General and urge my colleagues to do the same.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRANS-PACIFIC PARTNERSHIP

Mr. SANDERS. Mr. President, I rise in strong opposition to the fast-track bill the Finance Committee approved last night, and that I think will be on the floor next week or the following week, on the Trans-Pacific Partnership.

I think the most important aspect of this debate is that what we are discussing with the TPP is not a new concept. It is not as though somebody came and said, I have a great idea; let's try this trade agreement, and it is going to be really good for the American worker and the American middle class and the American people. The truth is that we have seen this movie time and time and time again. Let me tell my colleagues that the ending of this movie is not very good. It is a pretty bad ending. I think most Americans understand that our past trade agreements have failed our American workers and have led to the loss of millions of decent-paying jobs.

What I simply don't understand—if we were going forward in the first place, with a new idea, maybe we should give it a shot. But when we went forward with NAFTA, when we went forward with CAFTA, when we went forward with Normal Permanent Trade Relations and there were all of these folks telling us how great these agreements were going to be and it turned out that virtually everything they said was inaccurate—not true—why in God's Name would we go forward with another trade agreement which is, in fact, larger than previous trade agreements?

Let me give an example of what I mean. On September 19, 1993, President Bill Clinton said the following:

I believe that NAFTA will create 200,000 American jobs in the first two years of its effect. . . . I believe that NAFTA will create a million jobs in the first five years of its effect.

So President Clinton was pushing the NAFTA agreement very hard, and that is what he said.

In 1993, the same year, the Heritage Foundation, which is one of the most conservative think tanks in the country—so here we have a liberal President, Bill Clinton, and we have a conservative think tank, the Heritage Foundation—this is what they said: “Virtually all economists agree that

NAFTA will produce a net increase of U.S. jobs over the next decade.”

In 1993, the distinguished Senator from Kentucky, who is now our majority leader, MITCH MCCONNELL, said: “American firms will not move to Mexico just for lower wages.” MITCH MCCONNELL: “American firms will not move to Mexico just for lower wages.”

Well, was President Clinton right? Was the Heritage Foundation right? Was Senator MCCONNELL right? No. I think the evidence is pretty clear they were all wrong.

According to a well-respected economist at the Economic Policy Institute—and their facts usually hold up pretty well—NAFTA has led to the loss of more than 680,000 American jobs. What President Clinton said was wrong, what the Heritage Foundation said was wrong. We lost substantial numbers of jobs.

In 1993, the year before NAFTA was implemented, the United States had a trade surplus with Mexico of more than \$1.6 billion. Last year, the trade deficit with Mexico was \$53 billion. We had a trade surplus of \$1.6 billion; last year we had a deficit of \$53 billion. Now, how is that a success? I don't know.

In other words, NAFTA has been a disaster for American workers.

What about the Chinese trade agreement? I remember hearing all of the discussions about how great it would be if we had a trade agreement with a huge country such as China; thinking about all of the American products they would be buying, manufactured here in the United States. Here is what President Bill Clinton said about PNTR with China back in 1999. It is important to remember what people said because they are saying the same thing about this trade agreement. But this is back in 1999, Bill Clinton, President, PNTR with China:

In opening the economy of China, the agreement will create unprecedented opportunities for American farmers, workers and companies to compete successfully in China's market. . . . This is a hundred-to-nothing deal for America when it comes to the economic consequences.

Once again, that is a liberal President.

Now, we have the conservative think tanks that love unfettered free trade. In 1999, discussing PNTR with China, the conservative economists at the Cato Institute—these are really conservative guys and this is what they said:

The silliest argument against PNTR is that Chinese imports would overwhelm U.S. industry. In fact, American workers are far more productive than their Chinese counterparts. . . . PNTR would create far more export opportunities for America than the Chinese.

Well, what can we say about that? The Cato Institute wrote in 1999: “The silliest argument against PNTR is that Chinese imports would overwhelm U.S. industry.”

Sure. Right.

If we go out to any department store in America and we buy products, where

are those products made? Guess what. They are made in China. It appears that, in fact, Chinese imports did overwhelm U.S. industry. The Cato Institute was dead wrong.

Again, nobody is really surprised at this. There is no more debate about this. Permanent Normal Trade Relations with China, that trade agreement, was a disaster.

The Economic Policy Institute has estimated that trade agreement with China has led to the loss of 2.7 million American jobs. The trade deficit with China has increased from \$83 billion in 2001 to \$342 billion in 2014.

Now, in terms of China, I don't know that the American people have any doubt about it. Every time we go shopping, the products overwhelmingly are made in China. People look in their own towns and in their own States—my State—and see losses of more and more manufacturing jobs. Since 2001, we have lost 60,000 manufacturing facilities in America. Not all of it is attributable to trade; there are other reasons, but a lot of it is attributable to trade. Millions of decent-paying jobs are gone; people thrown out on the street as companies move to China, Vietnam, and other low-wage countries. There is not a debate about it. That is exactly what has happened. Corporation after corporation has said, Why do I want to pay an American worker \$15, \$20 an hour? Why do I want to deal with the union? Why do I have to obey environmental regulations? I can move to China, I can move to Vietnam, I can move to Malaysia or Mexico and I can pay people pennies an hour and bring the product back into the United States. That is what they said, and that is what they have done.

Major corporation after major corporation has reduced employment in America at the same time as they have increased employment in other countries.

Not only is it the loss of jobs, it is the race to the bottom. It is employers saying to workers, Look, I am cutting your health care, I am not giving you a raise, and if you don't like it, I am moving to China because there are people all over the world who are prepared to work for wages a lot lower than you are receiving. You can take it or leave it. That is one of the reasons why today the typical American worker is working longer hours for lower wages than he or she used to and why wages have gone down in America. That is what the global economy has done. That is what these horrendous unfettered free-trade agreements have pushed on American workers. That is the Chinese trade agreement: an estimated 2.7 million American jobs lost.

Then we have the Korea Free Trade Agreement, which has led to a loss of some 60,000 jobs. Our trade deficit with that country has gone up from \$16.6 billion in 2012 to \$25 billion in 2014.

So we have a history of failed trade agreement after failed trade agreement after failed trade agreement and people

say, Hey, we failed, we failed, we failed; let's do the same thing again and this time we are really, really, really going to succeed. I don't think anybody really believes that.

I do understand that Wall Street loves this trade agreement and they are staying up nights worrying about ordinary Americans; and I understand that the major corporations in this country love this agreement and the truck companies love this agreement, which gives us enough reason to hold this agreement in doubt.

Now, the Obama administration says, Well, trust us. Forget about the other trade agreements. This TPP is something different. It is a better agreement. This time will be different. This time it will support about 650,000 American jobs. Well, supporters of unfettered free trade were wrong about NAFTA, they were wrong about CAFTA, they were wrong about PNTR with China, and they were wrong about the Korea Free Trade Agreement and—surprise of all surprises—they are wrong again.

If the fast-track is approved, it would pave the way for the passage of the TPP—the Trans-Pacific Partnership—trade agreement. As my colleagues know, this trade agreement is poised to be the largest free-trade agreement in history, encompassing 12 nations that account for roughly 40 percent of the global economy. This is a very big deal.

Let me speak about two of those countries that are involved in the TPP; those are Vietnam and Malaysia. We are fighting here—and I understand there are differences of opinion—we are fighting here in the U.S. Congress to raise the minimum wage. I happen to believe a \$7.25 minimum wage, which is what it is federally, is a starvation wage. I would like to see it go up over a period of years to \$15 an hour. The Presiding Officer may disagree, and there are others who disagree.

Let me tell my colleagues what the minimum wage is in Vietnam. The minimum wage in Vietnam is 56 cents an hour—56 cents an hour. So we have American workers being forced to compete against people who make 56 cents an hour. And we have a situation, just as one example of many, where the Nike company—a company which produces over 365 million pairs of athletic shoes each year—goes all over the world. Do you know how many of those athletic shoes are manufactured in the United States of America? Fifty million? Twenty million? Ten million? One million? Zero. On the other hand, they employ 330,000 workers in Vietnam—mostly young women—and while they refuse to tell us, give us the detailed information, our supposition is that most of those women make very low wages.

Let's be clear about what is going on. According to a November 11, 2014, article in the Vietnamese newspaper Thanh Nien News: "Analysts acknowledge that Vietnam's abundance of cheap labor has played an increasingly

pivotal role in wooing foreign firms looking to set up overseas manufacturing operations in a country with a population of 90 million."

In other words, that is what this is all about. Wages are very low in Vietnam. Companies from the United States and all over the world will go to that country. Allowing the TPP to pass will make it easier for multinational companies to shut down in America and move to Vietnam. That is wrong.

When we talk about free trade, it is important to understand what is involved. Whom are we competing against? Are we competing against Canadian workers whose standard of living is as high or higher than ours? Are we competing against workers in Germany whose standard of living may be higher than ours? No. We are competing against people who are struggling to stay alive, earning the lowest possible wages that keep a human being alive.

Last year, the Human Rights Watch published a report on Vietnam. Here are some of the quotes from that report:

The human rights situation in Vietnam deteriorated significantly in 2013, worsening a trend evident for several years. The year was marked by a severe and intensifying crackdown on critics, including long prison terms for many peaceful activists whose "crime" was calling for political change.

In other words, in Vietnam, if you speak up, you want political change, there is a likelihood you will end up in jail.

Vietnam bans all political parties, labor unions and human rights organizations independent of the government. . . . The authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable.

It is not my point to beat up on Vietnam. They are a struggling country—a poor country that went through a terrible war with the United States that caused them incredible harm. But when we look at a trade agreement, when we say to American workers: This is your competition, people who are making 56 cents an hour in some cases, people who can't form an independent trade union, people who politically can't stand up and speak up for their rights, is that really appropriate and fair to the American worker? I don't think it is. I don't think it is.

Let me say a word not just on Vietnam but another country in that consortium of partners in the TPP; that is, the country of Malaysia.

Mr. President, I ask unanimous consent to have printed in the RECORD a New York Times article, dated September 17, 2014.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 17, 2014]

REPORT CITES FORCED LABOR IN MALAYSIA'S ELECTRONICS INDUSTRY  
(By Steven Greenhouse)

Nearly one in three migrant workers in Malaysia's thriving electronics industry



toils under forced labor conditions, essentially trapped in the job, a factory monitoring group found in a report issued on Wednesday.

The monitoring group, Verité—which conducted a two-year investigation commissioned by the United States Department of Labor—found that 32 percent of the industry's nearly 200,000 migrant workers were employed in forced situations because their passports had been taken away or because they were straining to pay back illegally high recruitment fees.

The report said those practices were prevalent among the migrants from Bangladesh, India, Myanmar, Nepal, Vietnam and other countries who work in Malaysia's nearly 200 electronics factories. Those factories, which produce consumer electronics, motherboards, computer peripherals and other electronic goods, account for a third of Malaysia's exports and produce for many well-known companies, including Apple, Flextronics, Samsung and Sony.

The Verité report said that 92 percent of the migrant workers in Malaysia's electronics industry had paid recruitment fees and that 92 percent of that group had paid fees that exceeded legal or industry standards, defined as more than one month's wages.

The report said about half of the migrant workers who borrowed for their recruitment fees spent more than a year paying off those fees. According to the report, 94 percent of the migrants did not have their passports when Verité's investigators interviewed them, and 71 percent said it would be impossible or difficult to get their passports back when needed.

"This most modern of industrial sectors is characterized by a form of exploitation that long ago should have been relegated to the past," said Daniel Viederman, chief executive of Verité. "The problem is not one of a few isolated cases. It is indeed widespread."

Labor Department officials commissioned the study because the federal government frowns on the importation of goods made by forced labor. They sought an investigation after seeing evidence that the problem was serious in Malaysia.

Twelve investigators working for Verité interviewed a total of 501 workers from nearly 200 Malaysian factories. According to the study, "92 percent reported feeling compelled to work overtime hours to pay off their debt, and 85 percent felt it was impossible to leave their job before paying off their debt." Seventy-seven percent had to borrow money to pay their recruitment fees.

"Workers are paying too much to get their jobs," Mr. Viederman said. "That leaves them vulnerable to being trapped in their jobs."

He told of a migrant worker from Nepal who spoke good English and was the only one of five children with a college degree. His family paid a recruitment agent \$1,500 for his job, which was more than twice the annual income in Nepal, and they borrowed much of that at a 36 percent annual interest rate.

When the Nepali arrived in Malaysia, his passport was taken from him at the airport, and he has not seen it since, he told the Verité interviewer. "He has now completed 14 months of a three-year contract, and he has not been able to save any money" because he is still paying back the recruitment fees, Mr. Viederman said. The Nepali works 12 hours a day, often seven days a week, and said it would take two years to finish repaying the loan.

"He doesn't want to be in Malaysia anymore," Mr. Viederman said. "He wants to quit and return home, but then he would have to pay a hefty fine and purchase his own plane ticket and still have the loan pay-

ment hanging over his head. He wasn't sure if he could get his passport back."

The report found that 30 percent of foreign workers said they slept in a room with more than eight people, and 43 percent said there was no place where they could safely store their belongings. Twenty-two percent of the workers said they had been deceived about their wages, hours or overtime requirements during the recruitment process.

Mr. Viederman said many workers faced a "one-two punch"—being charged high recruitment fees and then being paid less than they had been promised. He said many workers were told that their wages would be withheld or they would be reported to authorities if they complained or protested.

The Malaysian Embassy in Washington did not respond to inquiries—Tuesday was a national holiday.

Officials from Samsung and Sony did not respond to questions about Malaysia.

Asked about the reports of forced labor, Chris Gaither, a spokesman for Apple, said: "This is an issue we have paid a lot of attention to and done a lot of work on. We were the first electronics company to mandate reimbursement to workers who were charged excessive recruitment fees."

Mr. Gaither said Apple's supply chain, which employs 1.5 million workers worldwide, employs 18,000 in Malaysia, including 4,000 migrant contract workers. He said that since 2008, Apple had helped migrant workers in Malaysia and elsewhere to reclaim \$19.8 million in excessive recruitment fees, which he defined as more than one month's wages. Apple uses about 30 factories in Malaysia, and Apple had audits done at 18 of them in the last year to investigate forced labor and other problems.

Mr. Viederman said companies should strengthen their codes of conduct to bar payment of recruitment fees for workers at any factories they use and to prohibit supplier factories from taking migrant workers' passports. He said companies should make sure their factory monitors engaged in aggressive investigations to unearth such practices. In addition, he called for a grievance procedure for workers that would hold the companies, suppliers and labor brokers accountable.

The Verité report found 62 percent of migrant workers said they were unable to move around freely without their passports. Fifty-seven percent said they could not leave their job before their contract was finished because they would be charged an illegally high fine, lose their passport or be denounced to the authorities.

Forty-six percent reported having encounters with police, immigration officials or a volunteer citizens security corps. Most of the 46 percent said they had to pay a bribe, were detained or were threatened with detention or physical harm. Twenty-seven percent of the foreign workers said they could not come and go freely from their housing.

Mr. SANDERS. Mr. President, what the New York Times article talks about is that today there are nearly 200 electronics factories in Malaysia where high-tech products from Apple, Dell, Intel, Motorola, and Texas Instruments are manufactured and brought back into the United States. It turns out Malaysia is a major center for the manufacturing of electronics, and some of the largest electronics manufacturers in the world are centered or have plants in Malaysia. If the TPP is approved, that number will go up substantially. Now, what is wrong with that?

Well, let's talk about what is going on in Malaysia, where American com-

panies in this country and American workers will have to compete as part of the TPP. Well, it turns out that many of the workers at the electronics plants in Malaysia are immigrants to that country and are forced to work there under subhuman working conditions.

According to Verite, which conducted a 2-year investigation into labor abuses in Malaysia, which was commissioned by the U.S. Department of Labor—this report was commissioned by the U.S. Department of Labor.

This report tells us that 32 percent of the electronics industries' nearly 200,000 migrant workers in Malaysia were employed in forced situations because their passports had been taken away or because they were straining to pay back illegally high recruitment fees.

According to the New York Times article commenting on the study, 92 percent of the migrant workers in Malaysia's electronics industries had paid recruitment fees, and 92 percent of that group had paid fees that exceeded legal or industry standards defined as more than one month's wages.

Ninety-four percent of the migrants did not have their passports when Verite's investigators interviewed them. Let me repeat that. The passports were taken away from 94 percent of the people whom these investigators interviewed. Now, if you are a migrant in a foreign country and your passport is taken away, you have no rights at all. You can't leave. You may not be able to travel. You have no rights at all. In other words, many of these workers who wanted to leave Malaysia were unable to do so. They were forced to stay and continue to work under these subhuman conditions.

Mr. President, 30 percent of foreign workers—this is again in the report from Verite, commissioned by the U.S. Department of Labor—30 percent of foreign workers said they slept in a room with more than eight people, and 43 percent said there was no place where they could safely store their belongings.

Well, when we talk about competition and a competitive global economy, I do not believe the American worker should be forced to compete against workers who are literally held in slave-like conditions, unable to leave the country, having their passports taken away, working for pennies an hour.

Let me conclude simply by saying this: This trade agreement is being pushed on the Congress by the largest corporations in the United States of America. They love unfettered free trade because it enables them to shut down in America and move to low-wage countries where they can employ workers at pennies an hour. This trade agreement is pushed on us by Wall Street, that wants to make sure that around the world they will have financial regulations that make it easier for them to do what they do, rather than serve the economies of countries around the world.



This legislation is strongly supported by the pharmaceutical industry that will have the opportunity to prevent poor countries around the world from moving to generic drugs and make medicine affordable to the poor people in these countries. So all of the billionaire class, all of the powerful corporate world is supporting this trade agreement.

Who is opposing this trade agreement? Well, virtually every trade union in America whose job it is to stand up for American workers. They are in opposition. I was just at a rally with them the other day. They are united. They are in opposition. You have many environmental groups that understand this is a bad agreement. You have medical groups that understand this is a bad agreement for poor people in developing countries, and you have millions of workers in this country who do not want to compete. They are not afraid of competition. We are a productive country. They do not want to compete against people making 56 cents an hour or against forced labor in Malaysia. That is where we are today.

Where we are today is, Do we go forward with a failed trade policy or do we take a deep breath and say enough is enough? Let us rethink trade policy. Let us figure out a way we can grow the American economy, create decent jobs in the United States, and, by the way, help poor people around the world. All of us want to see wages go up in poor countries around the world, but that does not mean wages have got to go down in the United States of America. We need a trade agreement that works for our people, works for people around the world but is not a trade agreement that only works for the Big Money interests in the United States.

I hope very much the Senate will take a real hard look at this trade agreement, take a hard look at what people have been saying for years about previous trade agreements and say we are not going down this failed path anymore.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DR. IRWIN SCHATZ

Mr. DURBIN. Mr. President, I came across an article in the New York Times on Sunday that called my attention to the passing of an amazing man, a man who has a connection to the U.S. Senate.

I rise to pay my respects to a man of uncommon integrity. Dr. Irwin Schatz passed away on April 1 at the age of 83. Beloved and respected in the medical community, Dr. Schatz spent his ca-

reer helping people. He was a major contributor to the Honolulu Heart Program, a landmark study with half a century of followup on Japanese American men in Hawaii.

Dr. Schatz was the rare critic of the notorious Tuskegee, AL, syphilis medical experiments.

From 1952 to 1972, the U.S. Public Health Service conducted the Tuskegee clinical study on poor African-American sharecroppers. They wanted to know about untreated syphilis on African Americans. There were 600 men enrolled in the study. Almost two-thirds had syphilis, while the rest were used as control subjects. Between 1932 and 1947, the date when penicillin was determined to be the cure for the disease, at least seven men died, and their wives, children, and untold number of others had been infected.

Men participating in the study were told they were being treated for bad blood. Bad blood wasn't running in the veins of these men, it was running in the veins of those who decided this study was worth more than their humanity.

Dr. Irwin Schatz was 4 years out of medical school working as a cardiologist at Henry Ford Hospital in Detroit when he came across the December 1964 issue of the journal "Archives of Internal Medicine," which mentioned the Tuskegee study. We cannot be sure how many other people read this issue, but Dr. Schatz read it, and he was horrified.

Dr. Schatz wrote to the study's senior author, Dr. Donald Rockwell. His letter was only three sentences long. These three sentences could have put his career at risk. Here was this young doctor criticizing an investigation overseen by some of the leading figures in the American Public Health Service.

Here is what he wrote:

I am utterly astounded by the fact that physicians allow patients with a potentially fatal diseases to remain untreated when effective therapy is available. I assume you feel the information which is extracted from observations of this untreated group is their sacrifice. If this is the case, then I suggest the United States Public Health Service and those physicians associated with it in this study need to reevaluate their moral judgment in this regard.

The sad reality is that the Centers for Disease Control and Prevention buried Dr. Schatz' letter, and it would sit in their archives until 1972. A Wall Street Journal reporter found the letter the same year that Peter Buxtun, health service employee turned whistleblower, told the world about this horrific study.

Dr. Schatz went on to serve in a variety of hospitals. In 1975 he joined the University of Hawaii and eventually became chairman of their department of medicine. In 2009, he was named a medical hero by the Mayo Clinic because of his career but also because of the moral fury he expressed in that three-sentence letter.

Irwin Schatz was truly a hero. My prayers and thoughts go out to his

sons, Jacob, Edward, Stephen, and our colleague Senator BRIAN SCHATZ, his nine grandchildren and his family.

Mr. President, I would like to speak on a separate topic very briefly.

The moment is going to finally arrive in just a few minutes when we are going to, I hope, approve by a bipartisan vote the nomination of Loretta Lynch to be our next Attorney General. This is a milestone in the history of the United States—the first African-American woman to become Attorney General of this country.

I would like to say that I am sorry—and I am—for the delay in bringing this nomination before the Senate. It should have been done long ago. She is an extraordinary person from an extraordinary family. We have been blessed with her public service for so many years, and now she has reached the top in her career to be able to serve as our next Attorney General.

I will, with a great deal of admiration and respect, be voting in favor of this nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I eagerly echo the words of my dear friend, the senior Senator from Illinois. This is a great, historic moment. Earlier today, we ended the filibuster on this woman, Loretta Lynch. We ended the filibuster of her nomination to be Attorney General of the United States.

The good news is that we ended the filibuster. The bad news is that for the first time in our Nation's history, we had to overcome a filibuster for an Attorney General nominee—of either party. Eighty-two prior Attorneys General, going back to George Washington straight through, and not one of them has been treated the way Loretta Lynch has been treated.

I have come to know what a strong and good woman she is from her time as U.S. attorney and straight through to her confirmation hearing. At her confirmation hearing, those opposed to her brought witnesses but when I asked them, are there any of you who would vote against her, not a single hand went up.

You see, I know her strengths. I know she has persevered through much more difficult circumstances in her life. I believe this will make her even stronger. But do I hope after this extended delay, that Senate Republicans will show her more respect as Attorney General of the United States than she has received as a nominee.

She deserves all of America's respect and our gratitude for being willing to continue to serve our Nation. Loretta Lynch is eminently qualified to be Attorney General. She has twice been unanimously confirmed by the Senate to be U.S. attorney for the Eastern District of New York. Her record as a top Federal prosecutor in Brooklyn is unimpeachable.

I have no doubt that as Attorney General, Ms. Lynch will effectively, fairly, and independently enforce the law.

She has received the highest praise from those on both sides of the aisle. A group of 26 former United States Attorneys from both Republican and Democratic administrations have written, "Ms. Lynch has the experience, temperament, independence, integrity, and judgment to immediately assume this critically important position." A former Associate Attorney General serving at the Justice Department under President Bush wrote to me saying that "[Ms. Lynch is] uniquely qualified to serve as Attorney General." Former Republican mayor of New York City, Rudy Giuliani, said, "If I were in the Senate, I would confirm her," and Louis Freeh, former director of the FBI and Federal judge, has written "[i]n my twenty-five years of public service—23 in the Department of Justice—I cannot think of a more qualified nominee to be America's chief law enforcement officer." This is just a glimpse of the broad support she has received.

Loretta Lynch deserves to be considered by this Chamber based on her record, her accomplishments, and her extraordinary character. Let us come together. Let us make history by confirming Loretta Lynch to be the first African-American woman to serve as Attorney General of the United States.

I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Loretta E. Lynch, of New York, to be Attorney General?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The PRESIDING OFFICER (Mr. BOOZMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 165 Ex.]

#### YEAS—56

Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Portman
Boxer	Hirono	Reed
Brown	Johnson	Reid
Cantwell	Kaine	Sanders
Cardin	King	Schatz
Carper	Kirk	Schumer
Casey	Klobuchar	Shaheen
Cochran	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Feinstein	Menendez	Whitehouse
Flake	Merkley	Wyden
Franken	Mikulski	

#### NAYS—43

Alexander	Fischer	Roberts
Barrasso	Gardner	Rounds
Blunt	Grassley	Rubio
Boozman	Heller	Sasse
Burr	Hoeven	Scott
Capito	Inhofe	Sessions
Cassidy	Isakson	Shelby
Coats	Lankford	Sullivan
Corker	Lee	Thune
Cornyn	McCain	Tillis
Cotton	Moran	Toomey
Crapo	Murkowski	Vitter
Daines	Paul	Wicker
Enzi	Perdue	
Ernst	Risch	

#### NOT VOTING—1

Cruz

The nomination was confirmed.

The PRESIDING OFFICER. As a reminder, expressions of approval or disapproval are not permitted from the gallery.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I appreciate the majority leader making the usual request that the President be notified, but I have a sneaky suspicion the President knows what the final vote was.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the Senate resume legislative session and be in a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FIRST 100 DAYS OF THE REPUBLICAN-LED SENATE

Mr. BARRASSO. Mr. President, last Thursday marked the 100th day of the new Republican-led Senate. While it is still very early, and there is still much to be done, we can report there has been bipartisan progress in a number of important areas. So I am optimistic. I am optimistic that the momentum we have seen over the last several months is going to translate into further successes on behalf of Americans.

It is interesting to read from last Thursday's USA TODAY: The first 100

days of Republican Congress. The headline is: "Lawmakers try to prove it's possible to be productive." So people are noticing the fact that we are keeping our campaign promises.

During the last campaign season we told people all across the country that if they just gave us the opportunity to govern, we would do it in a bipartisan way. In November, the American people did send an unmistakable message to Washington. Voters across the country said they were tired of gridlock and tired of a lack of action. They said it was time for a new majority—a Republican majority—a majority to get the Senate working again and to get America on a better course.

Republicans have responded, and we are working hard to make the Senate accountable again to the people who sent us here. And you don't have to take my word for it. Just the other day, the Bipartisan Policy Center came out with its healthy Congress index. This is a group of former Republican and Democratic leaders of Congress. They talked about how the new Senate has been showing signs of life. The total number of days worked, they report, is up from that of previous years—43 days in the first 100 calendar days of this Senate versus 33 days at the same point last Congress, and 33 days in the Congress before that.

Also, the number of bills reported out of committee is way up. In the first 100 days we had 15 bills reported out of committees in the Senate compared to just 8 in the first 100 days of the previous two Congresses. Imagine that, our committees are working, and we are pushing out bipartisan bills, such as the Iran congressional review bill that passed unanimously in the Foreign Relations Committee.

The number of amendments voted on is larger than it has been in previous Congresses. In the first 100 days of this Congress, we voted on more than 100 amendments. These are amendments by both Republicans and Democrats. For all of last year there were only 15 up-and-down votes on amendments—just 15 for the entire year. This year we topped that number of amendment votes by January 22.

That is just one more way the Senate is working again. In the first 100 days we passed a dozen bipartisan bills. We passed the bipartisan Keystone XL Pipeline jobs bill. We passed a bill to make much-needed reforms to the Medicare program and to reauthorize the Children's Health Insurance Program. We passed the Clay Hunt Veterans Suicide Prevention Act. We reached an agreement to help victims of modern slavery who are abused and exploited by human traffickers. These important bills are just part of our commitment to work together to solve problems for the American people.

On top of all that, we passed a budget that actually balances over the next 10 years. Even former Democratic Senate leader Tom Daschle recently said that "there's been more open debate and